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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

In re ANTHONY B., a Person Coming  
Under the Juvenile Court Law.

B219650  
(Los Angeles County  
Super. Ct. No. PJ42145)

THE PEOPLE,

Plaintiff and Respondent,

v.

ANTHONY B.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Morton  
Rochman, Judge. Affirmed.

Esther R. Sorkin, under appointment by the Court of Appeal, for Defendant and  
Appellant.

No appearance for Plaintiff and Respondent.

Anthony B. appeals from the order continuing wardship (Welfare & Inst. Code, § 602) by reason of his having had a folding knife with a locking blade on school grounds (Pen. Code, § 626.10, subd. (a)), having committed assault on school grounds (Pen. Code, § 241.2, subd. (a)) and having committed battery on a school employee (Pen. Code, § 243.6). The juvenile court ordered Anthony B. placed in short-term camp in the Camp Community Placement Program. We affirm.

## **FACTUAL AND PROCEDURAL HISTORY**

### *1. Facts.*

#### *A. The February 17, 2009 petition.*

On December 19, 2008, Diana Baker was a high school dean of students. At approximately 2:00 o'clock that afternoon, Baker saw Anthony B. in the hallway of one of the buildings. Baker noticed that Anthony B. had a clip attached to his pocket and that on the other end of the clip was a knife. Baker pulled Anthony B. "over to the side" and asked him to give her the knife. Anthony B. refused. Baker then "pleaded with him to give [her] the knife." When Baker told Anthony B. that she would give the knife to his stepfather, Anthony B. pulled the folded knife from his pocket and handed it to Baker.

After obtaining the knife from Anthony B., Baker gave it to police officers. The officers photographed the knife and, at trial, Baker testified the photographs were of the knife she had confiscated from Anthony B.

#### *B. The May 26, 2009 petition.*

##### *a. The prosecution's case.*

Scott Barnes is a high school teacher and track coach. At approximately 2:40 p.m. on April 15, 2009, Barnes saw Anthony B. just outside the physical education area by a fence, the gate to which Barnes was about to close. Barnes told Anthony B. to come out from behind the fence because "he wasn't supposed to be there at that time." Barnes, who was familiar with Anthony B., closed the gate to the fenced area and told Anthony B. to leave.

As Barnes walked away from the fenced area to his class, he looked back to see Anthony B. “climbing the fence to enter the P. E. area.” Barnes, however, continued on to the area where his class of 70 members of the track team was waiting. He did not see Anthony B. again until later that day, when he found Anthony B. behind the gymnasium. When Barnes then asked Anthony B. where he was supposed to be, the young man just “tried to avoid [Barnes]. He went into a building [and Barnes] followed him. He would slam doors. He would turn around and then try to evade [Barnes] by pushing [him] over.” Barnes explained: “He would brush against me. I was putting my arms up to try to keep him to—I need to try to find out who you are and where you belong. And I was telling him to stop, so he would pretty much push into me. It happened about three times.”

As he continued to follow Anthony B., Barnes asked him what class he was supposed to be in. Anthony B. indicated that he was supposed to be in a class with Ms. Williams. Barnes then saw Ms. Williams across the campus. Barnes testified: “I was walking directly behind [Anthony B.] And I had my hand on a pole. There is a railway, so I am walking this way. And when [Anthony B.] saw [Ms.] Williams and realized he didn’t want to confront her either, he turned directly around and almost knocked me over.” Barnes then called out to Ms. Williams, stating, “ ‘You have a radio. Can you call[?] He’s hit me three times now.’ ” Barnes continued: “That’s when [Anthony B.] came at me. He said something to the effect of, oh, you think I hit you. [He then] [p]ulled his fist back as if to hit me. And right as he came up to me, the blow that would have hit me went off to the side. He feigned hitting me. [¶] . . . [¶] . . . He didn’t strike me with his fist[,], but he made a motion to do that.”

Barnes testified that he thought Anthony B. was going to hit him. However, the entire incident happened “very, very quickly.” Barnes continued: “There was definitely the threat, and then he pulled his fist back, and said, you know, here it comes, or, you think you have been hit, wait until you see this.” Anthony B. then left the area. It was at some later time that he was taken into custody by police, who contacted Barnes and asked him if he wished to “press charges.”

Janine Williams is a high school teacher. On the afternoon of April 15, 2009, she was walking to her sixth-period class when she heard Barnes call out and ask her if Anthony B. was her student. Williams responded that Anthony B. was not her student at that time. From where Williams was standing, Anthony B. appeared to be quite close to Barnes and it appeared that Barnes was “trying to catch up with [Anthony B.] to remove him from the P. E. area.” As Anthony B. was leaving, Barnes left the foyer of the locker room and Williams heard him say, “ ‘He hit me three times.’ ” Anthony B. responded, “ ‘You think I hit you? I’ll show you a hit.’ ” According to Williams, Anthony B. then ran toward Barnes, “charging towards him and [swinging] his fist in [Barnes’s] face without [making] contact.”

b. *Defense evidence.*

Justin R. and Anthony B. have been friends for several years and were classmates. On the afternoon of April 15, 2009, Justin R. saw Anthony B. and Barnes “have a little contact.” Justin R. elaborated, testifying that “what [he] saw was that Anthony was trying to leave and the teacher wouldn’t let him, and he just ran away.” It appeared to Justin R. that Barnes was attempting to take Anthony B.’s I-Pod away from him and was blocking Anthony B.’s way.<sup>1</sup> It appeared to Justin R. that Barnes “was blocking Anthony with his body from exiting the area.” Justin R. then heard Anthony B. “get a little loud and say, I’m going to run past you.” Justin R. did not see Anthony B. touch Barnes. He did see Anthony B. attempt to run around Barnes.

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<sup>1</sup> Later in his testimony, Justin R. stated that Anthony B.’s attorney and an investigator from the public defender department told him that Barnes had been attempting to take Anthony B.’s I-Pod. Justin R. had not seen an I-Pod and had not concluded that Barnes was attempting to take one away from Anthony B. Still later, Justin R. testified that he personally observed Barnes attempt to take Anthony B.’s I-pod.

## *2. Procedural history.*

### *A. The February 17 petition.*

In a Welfare and Institutions Code section 602 petition filed February 17, 2009, it was alleged that Anthony B. violated Penal Code section 626.10, subdivision (a) by unlawfully bringing and possessing a folding knife with a locking blade “upon the grounds of, and within, a public . . . school.” A hearing was held on the matter on October 6, 2009. At the hearing, the juvenile court deemed a motion for dismissal to have been made pursuant to Welfare and Institutions Code section 701.1, then denied the motion. After hearing evidence on the matter, the juvenile court found true the allegation Anthony B. violated Penal Code “section 626.10[,] [subdivision (a)], a felony.” The court then made the following findings: “That as to the petition filed February 17, 2009, notice has been given as required by law; [¶] Anthony’s birth date is as shown in the petition; [¶] The petition filed that date is true; [¶] [The] petition is sustained; [and] [¶] The offense is a felony.”

### *B. The May 26, 2009 petition.*

Following an evidentiary hearing, the juvenile court indicated it was “convinced beyond a reasonable doubt of the truth of the charges [and found Anthony B.] guilty of both counts[:.]” assault on school grounds and battery on a school employee. The juvenile court made the following additional findings: “As to the petition filed May 26, notice has been given as required by law; [¶] Anthony’s birth date is as shown in the petition; [¶] [The] petition filed May 26 is true and sustained as to each count; [¶] These are misdemeanor counts; [¶] Each carries one-year confinement time.”

### *C. Resolution of the two petitions.*

At proceedings held on October 6, 2009, the juvenile court noted that Anthony B. had first come to the court’s attention in January of 2008, when he robbed a younger child by forcibly taking the child’s skateboard. The court noted: “For that he was placed home on probation . . . . [¶] Subsequently he—it was in December of ‘08, [he was found] with a knife on the school grounds. [¶] Subsequently, while that matter [was] pending, he’s involved in the April 15th, ‘09, altercation with the teacher. [¶] So the

court feels that the recommendation made by the probation officer in the July 14th, '09, petition is a favorable one.” The juvenile court terminated the previous order for home on probation and ordered “short-term camp” in the Camp Community Placement Program. All of the conditions of probation which previously had been imposed were to remain in full force and effect, “adding and deleting as follows: [¶] Add No. 7. Do not leave the camp without permission; [¶] Delete No. 8; [Perform a designated number of hours of work under the supervision of the probation officer.] [¶] Add No. 16. Do not have any dangerous or deadly weapon in your possession nor remain in the presence of anyone known to you to be unlawfully armed; [¶] Add No. 28. Restitution; [¶] Add No. 28A. A hundred dollar fine [and] [¶] Add No. 46. Provide DNA sample as mandated by law.”

Anthony B. filed a timely notice of appeal on October 7, 2009.

This court appointed counsel to represent Anthony B. on appeal on December 14, 2009.

### **CONTENTIONS**

After examination of the record, counsel filed an opening brief which raised no issues and requested this court to conduct an independent review of the record. By notice filed February 10, 2010, the clerk of this court advised Anthony B. to submit within 30 days any contentions, grounds of appeal or arguments he wished this court to consider. No response has been received to date.

### **REVIEW ON APPEAL**

We have examined the entire record and are satisfied counsel has complied fully with counsel’s responsibilities. (*Smith v. Robbins* (2000) 528 U.S. 259, 278-284; *People v. Wende* (1979) 25 Cal.3d 436, 443.)

**DISPOSITION**

The order continuing wardship is affirmed.

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KITCHING, J.

We concur:

KLEIN, P. J.

ALDRICH, J.